

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JOY GILPIN,

Plaintiff,

vs.

No. 11-CV-336 LH/LAM

ROOSEVELT COUNTY
SHERIFF'S OFFICE, et al.,

Defendants.

**ORDER DENYING AS MOOT DEFENDANTS CITY OF CLOVIS AND PAUL
NELSON'S MOTION TO STAY DISCOVERY (Doc. 20)**

THIS MATTER is before the Court on the *Motion by Defendants City of Clovis and Paul Nelson to Stay Discovery Pending Outcome of Qualified Immunity Motion* (Doc. 20), filed June 27, 2011. Having entered a stipulated order, submitted by the Parties, staying discovery in this case pending resolution of the pending motions for summary judgment based on qualified immunity, provided that Plaintiff may seek the Court's leave to conduct limited discovery in accordance with Fed. R. Civ. P. 56(d),¹ [Doc. 32], the Court finds that the instant motion is now **MOOT** because discovery has already been stayed.

IT IS THEREFORE ORDERED that the *Motion by Defendants City of Clovis and Paul Nelson to Stay Discovery Pending Outcome of Qualified Immunity Motion* (Doc. 20) is **DENIED as MOOT**.

¹The Court notes that Plaintiff filed a *Motion to Defer Consideration of or Deny Defendants City of Clovis' and Nelson's Motion for Summary Judgment* (Doc. 17), but counsel erroneously titled it as a "Motion for Extension of Time to Complete Discovery" in the Court's CM-ECF docket. This motion appears to be a motion for relief under Fed. R. Civ. P. 56(d), which the Court understands would be for the presiding judge to decide in considering the pending Motion for Summary Judgment.

IT IS SO ORDERED.



LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE